

A regular meeting of Borough Council was held at 7:30 PM, Monday, February 13, 2012. Mayor Frank North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Fields, Volkert, Grasso, Madden and Perno. Clerk Brouse, Attorney Higgins and CFO Moules were present.

PUBLIC HEARING**PUBLIC**

Monica Sohler, 5 Clifton Avenue, Regarding TCE, I still have a concern if parking is not being addressed. Can we make the Merchantville Business district friendlier with signage changes? It would be good to be pro-active with control of business hours; I have gained respect for the gun shop at the circle that was discussed at the last meeting, the regulations by state are enormous. Glad to see that business in the building.

Dorothy Foley, 210 Westminster Avenue, Regarding the proposed cell tower in Cherry Hill, Merchantville has the largest area by far. I met with Paul Stridick and Natalie from Cherry Hill regarding the issue and urge Council to consider taking a position regarding the proposed tower. Property values may decrease around cell tower. If testimony will be considered, Mr. Perno would like Mayor to represent Council. Resolution was read and Mr. Perno recommended passing resolution in regard to property value decrease. Mrs. Fields said several residents in the area have complaint to her.

ENGINEER'S REPORT-provided a written report.

APPROVAL OF MINUTES- On a motion of Mrs. Madden and second of Mr. Volkert, Council approved the caucus meeting minutes for 12-5-11 and 1-9-12 and the regular meeting minutes for 12-12-11, and the reorg minutes 1-9-12.

CORRESPONDENCE**COUNCIL REPORTS**

Mrs. Fields-no rec report,. Planning board will meet tomorrow for 141 E Park and 614 W Maple. Paper work was found regarding signage recommendations from the Planning Board to HPC but were never moved on, please reviews and give opinion at the next meeting. Five resales so far for 2012 and 36 for 2012. Working on new forms with Mr. Watson. We will set dates and times for upcoming budget meetings. Licensing for January were, 92 dog, 1 marriage license, 342 death certificates and 10 marriage certificates.

Mr. Volkert- Public works removed 27,000 tons of yard waste and 50 yards of leaves. The bus shelter at Centre and Maple was hit by a car and will be replaced. More graffiti in town recently of the same type. Business Association meeting will take place on March 3rd at 11:00am. to discuss the Farmers Market. The Borough is interested in being in a consortium for brush with Cherry Hill.

Mr. Grasso-Santa Shack has been removed. Public Events is moving forward on the egg hung. We would like to thank 1st Colonial for a \$6,000 grant. We will meet the last Wednesday of February. Fire-no report at this time. Met with residences of Chestnut Station to have several fire drills during the year. Mayor asked that Council keep on request for drills.

Mrs. Madden-have emergency management drill at Chestnut Station. Shade Tree-tree inventory will be completed, we lost about 50 trees over the year. We will contact Collingswood to do possible shared service for stump removal. We have a time and material cost from Pennsauken. Historic Preservation-approved signage at former tire shop at the West End of town. Task force held productive meeting and phase two could be approved by February 23rd, parking issues were reviewed. Poplar Avenue may open on both sides for parking if the street is wide enough.

Mr. Perno-Forward requests to me for Up grades to public property.

Clerk's Report-FEMA will be issuing the Borough a check for \$8,086.94 from the storm in August. The School board election was changed to November by resolution from the Board. On February 18th Sukara will have its grand opening, RSVP to me. The phase one draft report for West Neighborhood Task Force is on the desk for council to review. We received agreements for the Bikeway grant. The Borough received scanning equipment from the Paris Grant for records management that we applied for with Cherry Hill in 2007 and we are going to receive training within the next few weeks. Moody's Investor Service has confirmed the Borough debt rating at A1 with no outlook, this continues to be the same rating that we have held in the past.

OLD BUSINESS

NEW BUSINESS

APPROVAL-Approve Walk for the Wish, Charity Walk. On a motion of Mr. Perno and second of Mrs. Fields, Council approved the Walk for the Wish, Charity Walk.

APPROVAL-Use of public right of way to install fiber optic cable. Do presentation in March, contact County (hold)

APPROVAL-Use of facility for social event with Fire Department. On a motion of Mr. Grasso and second of Mr. Volkert, Council approved the Use of facility for social event for Fire Department.

ORDINANCES FOR INTRODUCTION ON FIRST READING

Ordinance 12-02 Chapter **Donation clothing bins: On a motion of Mrs. Fields and second of Mr. Volkert, the following Ordinance was introduced:

12-02

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ADDING CHAPTER 81, DONATION CLOTHING BINS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 81, Donation Clothing Bins, is hereby added to the Code of the Borough of Merchantville, as follows:

ARTICLE I. SECTION 81-1 Purpose.

The purpose of this Section is to provide for the enforcement of P.L. 2007, c.209.

ARTICLE I. SECTION 81-2 Definitions relative to charitable clothing bins.

Solicitation or solicit — The request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

ARTICLE I. SECTION 81-3 Requirements for placement, use of clothing bin for solicitation purposes.

A. Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

(1) The person has obtained a permit, issued by the Borough Clerk's Office, valid for a specified period of time, from the Borough of Merchantville in which the donation clothing bin will be placed, in accordance with the following:

(a) In applying for such a permit, the person shall include:

- [1] The location where the bin would be situated, as precisely as possible;
 - [2] The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
 - [3] The name, and telephone number of the bona fide office required pursuant to Subsection A.(2) of this Section, of any entity which may share or profit from any clothing or other donations collected via the bin; and
 - [4] Written consent from the property owner to place the bin on his property;
- (b) The Borough of Merchantville shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within one hundred (100) yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases;
- (c) The Borough of Merchantville fee for such application, is Twenty-five Dollars (\$25.00) per bin, to offset the costs involved in enforcing Chapter 81 of the Code of the Borough of Merchantville entitled "Donation Clothing Bins," pursuant to P.L. 2007, c.209 (C.40:48-2.60 et seq.);
- (d) An expiring permit for a donation clothing bin may be renewed upon application for renewal and payment of any fee imposed by the Borough of Merchantville for such renewal, not to exceed Twenty-five Dollars (\$25.00) annually, to offset the costs involved in enforcing Chapter 81 of the Code of the Borough of Merchantville entitled "Donation Clothing Bins," pursuant to P.L. 2007, c.209 (C.40:48-2.60 et seq.). Such application shall include:

[1] The location where the bin is situated, as precisely as possible, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted and written consent from the property owner to place the bin on his property;

[2] The manner in which the person has used, sold, or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal; and

[3] The name, and telephone number of the bona fide office required pursuant to Subsection A.(2) of this Section, of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and

(e) The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the donation clothing bin, in addition to the information required pursuant to Subsection c. of this Section;

(2) The person, and any other entity which may share or profit from any clothing or other donations collected via the bin, maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this Subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and

(3) The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:

(a) The name and address of the registered person who owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(b) The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin;

(c) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

(d) A statement, consistent with the information provided to the Borough Clerk in the most recent permit or renewal application pursuant to Subsection A(1)(a)[2] and Subsection A(1)(d)[2] of this Section, indicating the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

ARTICLE I. SECTION 81-4

Receipt, investigation of complaints relative to donation clothing bin.

The Borough of Merchantville in which the donation clothing bin has been placed shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Chief of Police or his designee that a person has engaged in, or is engaging in any act or practice in violation of Section 2 of P.L. 2007, c.209 (C.40:48-2.61), the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Borough Council is not requested within forty-five (45) days, the bin will be seized or removed by the Chief of Police or his designee at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

In the event that the person who placed the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, the Chief of Police or his designee may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Borough.

ARTICLE I.

SECTION 81-5

Additional penalties, remedies.

A. In addition to any other penalties or remedies authorized by the laws of this state, any person who violates any provision of Chapter 81 of the Code of the Borough of Merchantville entitled "Donation Clothing Bins" pursuant to P.L. 2007, c.209 (C.40:48-2.60 et seq.) which results in seizure of the donation clothing bin shall be:

(1) Subject to a penalty of up to Twenty Thousand Dollars (\$20,000.00) for each violation. The Borough of Merchantville may bring this action in the Municipal Court or Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (C.2A:58-10 et seq.), and any penalty monies collected shall be paid to the Chief Financial Officer of the Borough of Merchantville; and

(2) Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to Section 2 of P.L. 2007, c.209 (C.40:48-2.61). A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of Chapter 81 of the Code of the Borough of Merchantville entitled "Donation Clothing Bins," pursuant to P.L. 2007, c.209 (C.40:48-2.60 et seq.) may apply to the Merchantville Borough Clerk's Office to have that person's eligibility restored. The Borough of Merchantville may restore the eligibility of a person who:

(a) Acts within the public interest; and

(b) Demonstrates that he made a good faith effort to comply with the provisions of P.L. 2007, c.209 (C.40:48-2.60 et seq.) and all other applicable laws and regulations, or had no fraudulent intentions.

ARTICLE VI.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VII.

This Ordinance shall take effect upon passage and publication according to law.

Ordinance 12-01 Amending Chapter **Precious Metals, Gems and Jewelry: On a motion of Mrs. Madden and second of Mrs. Fields, the following Ordinance was introduced:

12-01

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 37, GEMS, PRECIOUS METALS & JEWELRY, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 37, Precious Metals, Gold & Jewelry, is hereby added to the Code of the Borough of Merchantville, as follows:

ARTICLE I. SECTION 37-1 Definitions.

DEALER – Any person, partnership, corporation or other entity, whether permanent or itinerant, who on one of more occasions (through any means) buys and sells secondhand gold, silver, precious metals, gems or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

ITINERANT BUSINESS – Any business conducted intermittently within the Borough of Merchantville or at varying locations.

MINOR – Any person under the age of 18 years.

PERMANENT-BASED BUSINESS – Any business conducted on a year round basis and housed in a single structure, such as a store or residence.

ARTICLE II. SECTION 37-2 Issuance of License.

Each dealer conducting business within the jurisdiction of the Borough of Merchantville shall first register with the Chief of the Merchantville Police Department, or the officer so designated by the Chief of Police, who shall fingerprint the applicant and institute such an investigation of the applicant's moral character and business responsibility, as he deems necessary for the protection of the public welfare. In the event that the dealer is a business entity other than a sole proprietorship, the officers in a corporation or the partners in a partnership (or limited partnership) shall be deemed to be the applicant(s) who shall be fingerprinted and investigated in accordance with this section. Upon completion of the investigation, Chief of the Merchantville Police Department, or the officer so designated by the Chief of Police, shall either issue or deny the license based upon the results of his investigation. Upon the issuance of the license, the applicant shall be given a copy of this Chapter.

Any applicant denied a license under this Section by Chief of the Merchantville Police Department, or the officer so designated by the Chief of Police, based upon the results of an investigation, may appeal such denial to the Borough Council of the Borough of Merchantville within fifteen (15) days of the date of the denial. This appeal shall be perfected by service of a Notice of Appeal on the Borough Clerk of the Borough of Merchantville either personally or by certified mail.

The Borough Council shall conduct a hearing on this appeal within thirty (30) days of its receipt of the appeal, and shall render a decision, in writing, on the appeal within twenty (20) days of the close of the hearing.

ARTICLE III. SECTION 37-3 License fees, non-transferability

The fee for a license under this Chapter shall be Two Hundred (\$200.00) Dollars, per calendar year. A license issued under the provisions of this Chapter shall not be transferable and shall terminate on December 31st of the year in which said license is issued.

ARTICLE IV. SECTION 37-4. Records to be maintained

Each dealer shall maintain a complete record of each purchase and sale, including the amount paid, description of the item and any identifying numbers or engravings. The dealer shall also obtain the name, address, and date of birth, driver's license number and state of issuance for the person from whom the items were purchased, received or sold. The name of the clerk making the transaction shall be "legibly set forth". The dealer shall issue to the seller and keep for his own records, for not less than five (5) years, the weights of the precious metals purchase and the fineness of the precious metal. The records required to be maintained shall be kept confidential by the dealer and shall be released only to appropriate law enforcement personnel. This information is to be documented on the "Secondhand Jewelry Transaction Receipt" form to be supplied to the Merchantville Borough Police Department within forty-eight (48) hours of the transaction.. These records shall be subject to the inspection of any law enforcement officer requesting same in the normal course of his duties. The records required to be maintained shall be kept confidential by the dealer and shall be released only to appropriate law enforcement personnel. The precious metal shall be retained in the form in which they were purchased for a period of ten (10) business days.

ARTICLE V. SECTION 37-5 Description of Items to be delivered to the Chief of Police or his designee

Each dealer doing business in the Borough of Merchantville shall deliver to the Chief of the Merchantville Police Department, or the officer so designated by the Chief of Police, the description of all items purchased, received or sold including a photographed recording of the item(s) being purchased by the

dealer within 48 hours of the completion of the transaction of the "Secondhand Jewelry Transaction Receipt" forms prescribed by the Public Safety Director, or officer in charge. The photograph shall be of digital form and quality with the ability to be electronically transferred to a computer.

ARTICLE VI. SECTION 37-6 Disposal within ten (10) days of purchase prohibited.

No dealer shall sell, melt or change the form of or dispose of any articles purchased or received within ten (10) days of the date of said purchase, and all such items shall be made available for at least ten (10) business days to any authorized police officer requesting such items.

ARTICLE VII. SECTION 37-7 Restrictions on transactions.

Each dealer must require identification of the person with who, he is transacting business, and no transaction may be made with any minor, as herein defined, nor with any individual who is in an intoxicated state and/or is under the influence of intoxicating liquor, narcotics or hallucinogenic or habit-producing drugs.

ARTICLE VIII. SECTION 37-8 Surety Bond

Each licensee shall deliver a bond to the Borough Clerk executed by the applicant as principal with a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond, to be approved by the Borough Attorney, shall be in the penal sum of \$10,000.00, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the Borough in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the licensee licensed under this chapter by reason of any damage sustained by any such person as a result of the operations of the licensee under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: The obligation of this bond shall, in addition to the Borough of Merchantville, be and remain for the benefit of any person who shall obtain a judgment against obligor, as a result of damage sustained in operation pursuant to any license granted under Chapter 37 of the Ordinances of the Borough of Merchantville. Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license. As per State Law every itinerant business must also show proof of bond, issued license in jurisdiction of origin and weights and measures inspection.

ARTICLE IX. SECTION 37-9 Revocation of License

Licenses issued under the provisions of this chapter may be revoked by the Chief of the Merchantville Police Department, or the officer so designated by the Chief of Police, after a hearing, upon notice to the applicant for any of the following causes:

Fraud, misrepresentation or false statement contained in the application for license.

Fraud, misrepresentation or false statement made in the course of carrying on the business of purchasing secondhand precious metals, gems and jewelry. Any violation of this chapter. Conviction of any crime or disorderly persons offense involving moral turpitude. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public.

ARTICLE X. SECTION 37-10 Violations, penalties.

Any person who violates any provision of this chapter shall, upon conviction, be subject to one or more of the following: a fine not exceeding \$1,000.00; and/or imprisonment for a term not exceeding 90 days; and/or a period of community service not exceeding 90 days. If the violation is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense.

ARTICLE XI.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XII.

This Ordinance shall take effect upon passage and publication according to law.

Resolutions to be read by consent agenda: On a motion of Mrs. Fields and second of Mr. Volkert, Council approved the following resolutions by consent agenda:

R12-23**RESOLUTION AUTHORIZING ENGINEER TO PREPARE BID DOCUMENTS AND THE CLERK TO ADVERTISE FOR THE OPENING OF BIDS FOR THE CHESTNUT AVENUE BIKEWAY**

WHEREAS, the Borough has provided funding for the Chestnut Avenue Bikeway Project; and
WHEREAS, the Borough requires that a contract for these improvements be awarded for the project; and

WHEREAS, the Governing Body desires to have the improvements, for the approximate cost of the project as estimated by the Borough Engineer, to be performed by a contractor; and

WHEREAS, it is necessary for the Borough Engineer to perform the necessary professional services to prepare the bid documents for the improvements; and

WHEREAS, once the bid documents have been prepared by the Engineer and accepted by the Borough, the Borough Clerk must be authorized to advertise for and open bids for the project; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, hereby authorize the Borough Engineer to prepare the bid documents and the Clerk to advertise and receive bids for this project.

R12-24**RESOLUTION AUTHORIZING ENGINEER TO PREPARE BID DOCUMENTS AND THE CLERK TO ADVERTISE FOR THE OPENING OF BIDS FOR THE SENIOR CENTER ROOF**

WHEREAS, the Borough has provided funding for the Senior Center Roof Project; and

WHEREAS, the Borough requires that a contract for these improvements be awarded for the project; and

WHEREAS, the Governing Body desires to have the improvements, for the approximate cost of the project as estimated by the Borough Engineer, to be performed by a contractor; and

WHEREAS, it is necessary for the Borough Engineer to perform the necessary professional services to prepare the bid documents for the improvements; and

WHEREAS, once the bid documents have been prepared by the Engineer and accepted by the Borough, the Borough Clerk must be authorized to advertise for and open bids for the project; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, hereby authorize the Borough Engineer to prepare the bid documents and the Clerk to advertise and receive bids for this project.

R12-25**RESOLUTION AUTHORIZING ENGINEER TO PREPARE BID DOCUMENTS AND THE CLERK TO ADVERTISE FOR THE OPENING OF BIDS FOR THE SENIOR CENTER LADIES BATHROOM**

WHEREAS, the Borough has provided funding for the Senior Center ladies bathroom; and

WHEREAS, the Borough requires that a contract for these improvements be awarded for the project; and

WHEREAS, the Governing Body desires to have the improvements, for the approximate cost of the project as estimated by the Borough Engineer, to be performed by a contractor; and

WHEREAS, it is necessary for the Borough Engineer to perform the necessary professional services to prepare the bid documents for the improvements; and

WHEREAS, once the bid documents have been prepared by the Engineer and accepted by the Borough, the Borough Clerk must be authorized to advertise for and open bids for the project; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, hereby authorize the Borough Engineer to prepare the bid documents and the Clerk to advertise and receive bids for this project.

R12-26**RESOLUTION AUTHORIZING ENGINEER TO PREPARE BID DOCUMENTS AND THE CLERK TO ADVERTISE FOR THE OPENING OF BIDS FOR THE FIRE HOUSE ROOF**

WHEREAS, the Borough has provided funding for the Fire House roof; and
WHEREAS, the Borough requires that a contract for these improvements be awarded for the project; and

WHEREAS, the Governing Body desires to have the improvements, for the approximate cost of the project as estimated by the Borough Engineer, to be performed by a contractor; and

WHEREAS, it is necessary for the Borough Engineer to perform the necessary professional services to prepare the bid documents for the improvements; and

WHEREAS, once the bid documents have been prepared by the Engineer and accepted by the Borough, the Borough Clerk must be authorized to advertise for and open bids for the project; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, hereby authorize the Borough Engineer to prepare the bid documents and the Clerk to advertise and receive bids for this project.

R12-27

RESOLUTION CERTIFYING A LIEN AGAINST CERTAIN PROPERTIES FOR COSTS INCURRED BY THE BOROUGH OF MERCHANTVILLE IN ACCORDANCE WITH THE PROPERTY MAINTENANCE CODE

WHEREAS, in accordance with Chapter 3 of the Code of the Borough of Merchantville entitled the "Property Maintenance Code", notice of noncompliance was sent to the following properties: 109 Myrtle Avenue, 309 Plymouth Place, 29 Volan Street and 241 Victoria Street; and

WHEREAS, said property owners did not comply with said notice and the Merchantville Public Works Department was ordered to abate the violations; and

WHEREAS, it is the desire of this Governing Body, in accordance with Chapter 60B of the Code of the Borough of Merchantville, to certify said costs incurred by the Merchantville Public Works Department as a lien against the properties known as 109 Myrtle Avenue, 309 Plymouth Place, 29 Volan Street and 241 Victoria Street, in accordance with Chapter 3 of the Code of the Borough of Merchantville.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the following lien is hereby certified as against the property as noted in accordance with Chapter 3 of the Code of the Borough of Merchantville:

109 Myrtle Avenue	\$359.20
309 Plymouth Place	\$54.38
29 Volan Street	\$123.55
241 Victoria Street	\$75.91

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this resolution to the owner(s) of the subject property.

BE IT FURTHER RESOLVED that the Tax Collector shall be responsible for collection of the amounts herein certified.

R12-28

RESOLUTION AUTHORIZING A ONE YEAR CONTRACT WITH OFFICE BASICS, INC. FOR (BID A-51/2010), 1ST OF A TWO YEAR OPTION) FOR OFFICE SUPPLIES UNDER THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEMS, SYSTEM IDENTIFIER #57-CCCPS FOR A TERM COMMENCING FEBRUARY 1, 2012 THROUGH JANUARY 31, 2013

WHEREAS, the Camden County Board of Chosen Freeholders awarded the bid of Office Basics, 22 Creek Circle, Boothwyn, PA 19061, and

WHEREAS, the Camden County Board of Chosen Freeholders have awarded the contract at a cost of, Highest percentage discount of items included at 75%, highest percentage discount of catalog items not included 36%, Electronics only 27% and computer related supplies only (\$100 and under) 31%; off of the catalog prices specified in Bid A-57 for a two year term commencing February 1, 2010 and terminating January 31, 2012 with the option for two additional one year contracts, at the discretion of the County; and

WHEREAS, Camden County has authorized each participating municipality to enter into a contract directly with Office Basics pursuant to the terms and conditions of this after award by its governing body in accordance with applicable law;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville that the proper officials be and are hereby authorized to extend the contract with Office Basics, 22 Creek Circle, Boothwyn, PA pursuant to the terms and conditions of this bid for a period of one-year; and

BE IT FURTHER RESOLVED that funding for this purpose for the Borough of Merchantville shall not exceed the maximum line items for office supplies in the Borough's 2012 temporary and/or permanent budget and shall be encumbered prior to incurring the obligation pursuant to NJAC 5:30-5.3(b)(2).

R12-29

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY APPROVING APPLICATION FOR RECYCLING TONNAGE GRANT

SUBJECT: APPROVING THE APPLICATION OF A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act Recycling Act P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations imposed on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable materials collected and claimed by the municipality and by setting up a dedicated recycling trust fund where funds shall be used solely for the purposes of recycling; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Merchantville to the efforts undertaken by the municipality and the requirements contained in the recycling act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed,

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Merchantville, County of Camden, State of New Jersey, that the Borough of Merchantville hereby endorses the submission of a municipal recycling tonnage grant application to the New Jersey DEP Office of Recycling and designates Bradford C. Stokes, Recycling Coordinator, to ensure that the said application is properly filed.

R12-30

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AFFIRMING MERCHANTVILLE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL BOROUGH OFFICIALS, EMPLOYEES, PROSPECTIVE EMPLOYEES, APPOINTEES, INDEPENDENT CONTRACTORS, VOLUNTEERS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of Borough of Merchantville to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Mayor and Borough Council of the Borough of Merchantville has determined that certain procedures need to be established to accomplish this policy;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Merchantville, as follows:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this Resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this Resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this Resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this Resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this Resolution.

Section 7: The Borough shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Clerk shall cause a summary of this Resolution and the procedures established pursuant to this Resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this Resolution. This summary shall also be posted on the Borough's web site.

Section 9: This Resolution shall take effect immediately.

Section 10: A copy of this Resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

R12-31

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, CAMDEN COUNTY, NEW JERSEY CDBG YEAR 34 PROJECTS

WHEREAS, the Borough of Merchantville is entitled to Community Development Block Grant funding; and

WHEREAS, the Governing Body has chosen to submit an application for Program Year 34 (2012-2013); and

WHEREAS, the grant allocation for YEAR 34 (2012-2013) for the Borough of Merchantville is \$20,200; and

WHEREAS, the governing body has agreed to apply for funding for the following activities:

1. Rehabilitation and Repair of Merchantville Senior Center \$10,200.00
2. ADA-compliant Sidewalk Curb Cuts \$10,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, that the Mayor is hereby authorized to sign the Project Description Form for Program Year 34 (2012-2013).

R12-32

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BY AND
BETWEEN THE BOROUGH OF MERCHANTVILLE AND BOROUGH OF BARRINGTON
RELATIVE TO THE SERVICES OF A CHIEF MUNICIPAL FINANCE OFFICER BY AND FOR
THE BOROUGH OF MERCHANTVILLE**

WHEREAS, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Borough of Barrington (hereinafter "Barrington") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Borough of Barrington has in its employ a certain individual known as Denise K. Moules who has been appointed by Barrington as the Chief Municipal Finance Officer for the Borough of Barrington; and

WHEREAS, Denise K. Moules (hereinafter "Moules") is a licensed Chief Municipal Finance Officer in the State of New Jersey pursuant to N.J.S.A. 40A:9-140-10 ("Statutes") and the regulations promulgated thereunder ("Regulations"); and

WHEREAS, Barrington has agreed to permit Moules to act as the Chief Municipal Finance Officer in the Borough of Merchantville, in addition to the duties assigned by Barrington to Moules as an employee of Barrington; and

WHEREAS, Merchantville has agreed to pay Barrington the sum of Forty-Two Thousand Dollars (\$42,000.00) in the calendar year 2012, to be paid in accordance with the payment schedule set forth below; and

WHEREAS, Merchantville and Barrington intend by virtue of this document to set forth the terms and conditions of this Agreement; and

WHEREAS, the proper and respective municipal officials were authorized to execute this Interlocal Services Agreement pursuant to Resolutions of their respective Councils, attached hereto and made a part of this Agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Frank M. North, Mayor of the Borough of Merchantville and Denise L. Brouse, Borough Clerk of the Borough of Merchantville be and hereby are authorized to execute the Interlocal Services Agreement, attached hereto as Exhibit "A," providing for the services of Denise K. Moules to act as the Chief Municipal Finance Officer in Merchantville in addition to the duties assigned by Barrington to Moules as an employee of Barrington.

R12-33

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BY AND
BETWEEN THE BOROUGH OF MERCHANTVILLE AND BOROUGH OF BARRINGTON
RELATIVE TO THE SERVICES OF A TAX COLLECTOR BY AND FOR THE BOROUGH OF
MERCHANTVILLE**

WHEREAS, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Borough of Barrington (hereinafter "Barrington") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Borough of Barrington has in its employ a certain individual known as Kristy Emmett who has been appointed by Barrington as the Tax Collector for the Borough of Barrington; and

WHEREAS, Kristy Emmett (hereinafter "Emmett") is a licensed Tax Collector in the State of New Jersey pursuant to N.J.S.A. 40A:9-141 ("Statutes") and the regulations promulgated thereunder ("Regulations"); and

WHEREAS, Barrington has agreed to permit Emmett to act as the Tax Collector in the Borough of Merchantville, in addition to the duties assigned by Barrington to Emmett as an employee of Barrington; and

WHEREAS, Merchantville has agreed to pay Barrington the sum of Twenty-three Thousand Dollars (\$23,000.00) in the calendar year 2012, to be paid in accordance with the payment schedule set forth below; and

WHEREAS, Merchantville and Barrington intend by virtue of this document to set forth the terms and conditions of this Agreement; and

WHEREAS, the proper and respective municipal officials were authorized to execute this Interlocal Services Agreement pursuant to Resolutions of their respective Councils, attached hereto and made a part of this Agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Frank M. North, Mayor of the Borough of Merchantville and Denise L. Brouse, Borough Clerk of the Borough of Merchantville be and hereby are authorized to execute the Interlocal Services Agreement, attached hereto as Exhibit "A," providing for the services of Kristy Emmett to act as the Tax Collector in Merchantville in addition to the duties assigned by Barrington to Emmett as an employee of Barrington.

R12-34

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING CHANGE ORDER NO 2 FINAL FOR ROADWAY IMPROVEMENTS TO MORRIS STREET

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the Roadway Improvements to Morris Street [Funded by the NJDOT Municipal Aid Program, FY2008 and FY2009] in the Borough of Merchantville, Camden County, New Jersey;

WHEREAS, Change Order No. 2 Final was developed to itemize and authorize those changes.

WHEREAS, certification has been received by the Certified Finance Officer that sufficient funds have been allocated for this Change Order;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Merchantville that Change Order No. 2 final is hereby authorized and approval is hereby granted to revise the original contract amount of \$102,175.00 to \$ 118,635.00 (increase of \$16,460.00).

R12-35

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING CHANGE ORDER NO 3 FINAL FOR ROADWAY IMPROVEMENTS TO PROSPECT STREET

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the Roadway Improvements to Morris Street and Prospect Street [Funded by the NJDOT Municipal Aid Program, FY2008 and FY2009] in the Borough of Merchantville, Camden County, New Jersey;

WHEREAS, Change Order No. 3 Final, was developed to itemize and authorize those changes.

WHEREAS, certification has been received by the Certified Finance Officer that sufficient funds have been allocated for this Change Order;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Merchantville that Change Order No. 3 final is hereby authorized and approval is hereby granted to the contracted amount from \$172,258.00 to \$177,995.50 (increase of \$5,737.50).

PAYMENT OF BILLS: On the motion of Mrs. Fields and second of Mr. Volkert, Council approved the following resolution:

On a motion of Mrs. Fields and second of Mr. Volkert, Council approved the following resolutions by consent agenda:

R12-38
RESOLUTION OF THE BOROUGH OF
MERCHANTVILLE, COUNTY OF CAMDEN AND STATE
OF NEW JERSEY OPPOSING THE PLACEMENT OF A
TELECOMMUNICATIONS ANTENNA MONOPOLE ON
THE PROPERTY OF THE MERCHANTVILLE COUNTRY
CLUB

WHEREAS, it is the understanding of the Borough Council of the Borough of Merchantville that Pegasus Tower Company LLC has filed an application with the Cherry Hill Township Zoning Board of Adjustment for all necessary approvals to construct a stealth monopole of one hundred, fifty feet in height, with associated equipment, on property located on a portion of Block 193.01, Lot 1 in Cherry Hill Township; and

WHEREAS, this location is indicated to be north of the intersection of West Chapel Avenue and Orchard Avenue, just west of Hole #5 of the Merchantville Country Club: and

WHEREAS, this location is within two hundred (200') feet of certain property owned by the Borough of Merchantville, and is within two hundred (200') feet of properties owned by residents of the Borough of Merchantville; and

WHEREAS, it is the understanding of the Borough Council of the Borough of Merchantville that Pegasus Tower Company LLC has requested, in its application filed with the Cherry Hill Township Zoning Board of Adjustment, preliminary and final site plan approval, a use variance, a height variance, together with any and all necessary approvals or variances that may be required to construct its requested use; and

WHEREAS, the Borough Council of the Borough of Merchantville, both as owner of a property within two hundred (200') feet of the proposed location of this requested use and on behalf of its property owners within two hundred (200') feet of the proposed location of this requested use, wish to voice its opposition to the proposed use, based upon the negative effect the Borough Council of the Borough of Merchantville believes such a use will have both as to the aesthetics and property values of the area;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Merchantville, that the Borough Council of the Borough of Merchantville opposes the application of Pegasus Tower Company LLC before the Cherry Hill Township Zoning Board of Adjustment for preliminary and final site plan approval, a use variance, a height variance, together with any and all necessary approvals or variances that may be required, relative to the construction a stealth monopole of one hundred, fifty feet in height, with associated equipment, on property located on a portion of Block 193.01, Lot 1 in Cherry Hill Township, based upon the negative effect the Borough Council of the Borough of Merchantville believes such a use will have both as to the aesthetics and property values of the area; and

IT IS FURTHER RESOLVED, by the Borough Council of the Borough of Merchantville, authorizes a member of the Borough Council to present this Resolution to the Cherry Hill Township Zoning Board of Adjustment when this matter is subject to a hearing before this Board.

**R12-37
RESOLUTION**

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.

CURRENT FUND		REVENUE	BUDGET
CHECKS CURRENT FUND	2011 BUDGET		35,878.69
	2012 BUDGET		96,433.22
	GRANTS		23,560.23
	DEBT SERVICE		
	BOARD OF EDUCATION*		1,031,950.00
	CAMDEN COUNTY		488,208.81
WIRE TRANSFERS PAYROLL	1/13/12 1/27/12 2/10/12		170,791.18
WIRES / MANUAL CHECKS			101,285.02
TOTAL CURRENT		0.00	1,948,107.15
SEWER UTILITY			
CHECKS SEWER FUND	2011 BUDGET		
	2012 BUDGET		4,316.00
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	1/13/12 1/27/12 2/10/12		6,600.99
WIRE NJEIT LOAN			0.00
WIRES / MANUAL CHECKS			0.00
TOTAL SEWER		0.00	10,916.99
GENERAL CAPITAL FUND			
CHECK CAPITAL FUND			2,840.50
MANUAL CHECK			
WIRE TRANSFERS PAYROLL			0.00
TOTAL CAPITAL		0.00	2,840.50
TRUST FUND			
CHECK TRUST OTHER FUND			8,190.25
WIRE TRANSFERS PAYROLL	1/13/12 1/27/12 2/10/12		7,294.76
WIRES / MANUAL CHECKS			10,314.31
TOTAL TRUST		0.00	25,799.32
SEWER CAPITAL FUND			
CHECK SEWER CAPITAL			2,327.50
MANUAL CHECKS			0.00
WIRE TRANSFERS PAYROLL			0.00
TOTAL SEWER CAPITAL		0.00	2,327.50
RECREATION TRUST			
CHECK RECREATION TRUST	2011 BUDGET		1,505.31
CHECK RECREATION TRUST	2012 BUDGET	300.00	548.00
MANUAL CHECKS			0.00
WIRE TRANSFERS PAYROLL	1/13/12 1/27/12 2/10/12		553.48

TOTAL RECREATION		300.00	2,606.79
ANIMAL TRUST FUND			
ANIMAL TRUST CHECK			931.88
TOTAL ANIMAL TRUST		0.00	931.88
UNEMPLOYMENT			
UNEMPLOYMENT CHECK			0.00
TOTAL UNEMPLOYMENT		0.00	0.00
TOTAL BILL LIST & MANUAL CHECKS/WIRE		300.00	1,993,530.13
		GRAND	
		TOTAL	<u>1,993,830.13</u>

ANNOUNCEMENTS:

ADJOURNMENT: On the motion of Mr. Perno and second of Mrs. Fields, the meeting was adjourned at 8:45 PM.

DENISE BROUSE
BOROUGH CLERK